

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : To be determined Confirmation No.
Orig Pat No. 6,369,116
Applicant : WONG et al.
Filed : Herewith
Title : COMPOSITION AND METHOD FOR TREATING GLAUCOMA

TC/A.U. : NA
Examiner : NA

Docket No. : D-3136 CON1 CIPRE
Customer No. : 33197

Mail Stop REISSUE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION AND PETITION FOR REISSUE APPLICATION

Dear Sir:

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I verily believe that I am an original, first and sole inventor (if only one name is listed below), or an original, first and joint inventor (if plural names are listed below) of the invention described and claimed in U.S. Letters Patent No. 6,369,116 (hereinafter called "original patent"), granted April 9, 2002, and in the above-identified reissue application and for which invention I solicit a reissue patent.

I do not know and do not believe that said invention was ever known or used in the United States of America before my invention thereof.

I acknowledge my duty to disclose information of which I am aware which is material to the examination of this reissue application.

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I have reviewed and understand the contents of the specification, including the claims of the specification, and the claims as presented by the preliminary amendment enclosed herein. I believe that no new matter has been added by the changes set forth in this reissue application.

In accordance with 35 U.S.C. § 251, it is submitted that the original patent is partially inoperative for claiming less than the patentee had a right to claim in the patent.

Lines 1-3 of original claim 1 recite "a method for improving the post-operative success of glaucoma filtration surgery". This language may render the patent partially inoperative for claiming less than the patentee had a right to claim in the patent.

Lines 4-8 of original claim 1 recite "introducing proximal to the surgical site an implant comprising dexamethasone at a concentration from about 40 to 80 weight percent of the implant and poly-lactate glycolic acid copolymer at a concentration of at least 20 weight percent of the implant". This language may render the patent partially inoperative for claiming less than the patentee had a right to claim in the patent.

Lines 9-12 of original claim 1 recite "said therapeutically active agent is released within a therapeutic dosage which does not vary by more than about 100% for a period of at least about 3 weeks". This language may render the patent partially inoperative for claiming less than the patentee had a right to claim in the patent.

Lines 1-3 of original claim 14 recite "a method for improving the post-operative success of glaucoma filtration surgery". This language may render the patent partially

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inoperative for claiming less than the patentee had a right to claim in the patent.

Lines 4-10 of original claim 14 recite "introducing proximal to the surgical site an implant comprising dexamethasone at a concentration from about 40 to 80 weight percent of the implant and poly-lactate glycolic acid copolymer having a relative average molecular weight between about 10 and about 60 kD at a concentration of at least about 20 weight percent of the implant". This language may render the patent partially inoperative for claiming less than the patentee had a right to claim in the patent.

Lines 11-14 of original claim 14 recite "said therapeutically active agent is released with a therapeutic dosage which does not vary by more than about 100% for a period of at least about 3 weeks". This language may render the patent partially inoperative for claiming less than the patentee had a right to claim in the patent.

Lines 1-3 of original claim 18 recite "a method for improving the post-operative success of glaucoma filtration surgery". This language may render the patent partially inoperative for claiming less than the patentee had a right to claim in the patent.

Lines 4-12 of original claim 18 recite "introducing proximal to the surgical site an implant comprising a therapeutically effective agent at a concentration from about 10 to 50 weight percent of the implant, and at least one pharmacologically acceptable biodegradable polymer having a relative average molecular weight between about 10 and 60 kD at a concentration of at least about 20 weight percent of the implant". This language may render the patent partially

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inoperative for claiming less than the patentee had a right to claim in the patent.

Lines 13-16 of original claim 18 recite "said therapeutically active agent is released with a therapeutic dosage which does not vary by more than about 100% for a period of at least about 3 weeks". This language may render the patent partially inoperative for claiming less than the patentee had a right to claim in the patent.

All errors which are being corrected in this reissue application up to the time of filing of this declaration arose without any deceptive intention on the part of myself.

I respectfully request that I may be allowed to surrender the original patent and that Letters Patent may be reissued to me for the same invention upon the above-identified specification.

I hereby appoint as my attorneys and/or agents

Martin A. Voet, Reg. No. 25,208; **Robert Baran**, Reg. No. 25,806;
Carlos A. Fisher, Reg. No. 36,510; **Stephen Donovan**, Reg. No. 33,433; **Brent A. Johnson** Reg. No. 51, 851; **Dean G. Stathakis** Reg. No. 54,465; **Frank J. Uxa**, Reg. No. 25,612; **Donald E. Stout**, Reg. No. 34,493; **Robert D. Buyan**, Reg. No. 32,460; **Kenton R. Mullins**, Reg. No. 36,331; **Jo Anne M. Ybaben**, Reg. No. 42,243; **Linda Allyson Fox**, Reg. No. 38,883; **Greg S. Hollrigel**, Reg. No. 45,374; and **Louise S. Heim**, Reg. No. 32,337

with full power of substitution and revocation, to transact all business in the Patent and Trademark Office connected with the above-identified application and to receive all correspondence from the Patent and Trademark Office regarding the above-identified application.

I, the undersigned, declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that

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willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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